

**ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - BOSTON**

**CLASS. NO.: 1200
DELEGATION NO.: 12-3D**

DELEGATION OF AUTHORITY

DATE: 4-18-17

TOXIC SUBSTANCES CONTROL ACT

12-3D. Emergency Temporary Restraining Orders

1. PURPOSE AND AUTHORITY.

A. Purpose. To redelegate the authority contained in Delegation 12-3D issued by EPA Headquarters on January 12, 2017.

B. Authority. Pursuant to the Toxic Substances Control Act (TSCA), including Section 17, to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and to the appropriate U.S. Attorney.

2. TO WHOM REDELEGATED.

A. The Director, Office of Environmental Stewardship (OES).

3. REDELEGATION AUTHORITY.

A. This authority may be redelegated to the Branch Chief level, or equivalent, and no further.

B. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. The Director, OES must obtain the advance concurrence of the Manager, Legal Enforcement Office, OES, or his/her designee, on the legal sufficiency of the referral before exercising this authority. The Manager, Legal Enforcement Office, OES, or his/her designee, may waive concurrence in writing.

B. The Director, OES must notify the Regional Administrator (RA) and the Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA) before exercising this authority. The RA and the AA for OECA may waive the notification requirement in writing.

C. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

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D. The AA for OECA must notify the appropriate RA before exercising this authority.

5. ADDITIONAL REFERENCES.

A. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).

B. For referral of other civil actions under the TSCA, see the Chapter 12 delegations entitled *Civil Judicial Enforcement Actions* and *Imminent Hazard Actions*.

6. SUPERSESSION. None.


Deborah A. Szaro
Acting Regional Administrator

4/18/17
Date